



W.P.(MD)Nos.29016 to 29020, 29052, 29077, 29070 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 08.08.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)Nos.29016 to 29020, 29052, 29077 & 29070 of 2023**

**and**

**W.M.P(MD)Nos.25063, 25067, 25064, 25065, 25066,  
25096, 25131 & 25124 of 2023**

**W.P(MD)No.29016 of 2023**

T.Elangovan

... Petitioner

VS

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.
- 3.The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.
- 4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents



W.P.(MD)Nos.29016 to 29020, 29052, 29077, 29070 of 2023

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 31.07.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29017 of 2023**

N.Kalainathan

... Petitioner

vs

1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.



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2.The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.

3.The General Manager,  
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.

4.The Administrator,  
The Tamil Nadu Transport Corporation Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along



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with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 31.05.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29018 of 2023**

S.Durairaj

... Petitioner

VS

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.
- 3.The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.
- 4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,



W.P.(MD)Nos.29016 to 29020, 29052, 29077, 29070 of 2023

to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 31.07.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29019 of 2023**

P.Kalaiselvan

... Petitioner

VS

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,



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No.27, Railway Station New Road,  
Kumbakonam.

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3.The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.

4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation



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based on such wages payable to him as on the date of his retirement that is as on 30.06.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29020 of 2023**

M.Kalyanasundaram

... Petitioner

VS

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.
- 3.The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.
- 4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same



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in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 30.06.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29052 of 2023**

S.Kaliyamoorthy

... Petitioner

vs

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.
- 3.The General Manager,  
The Tamil Nadu State Transport



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Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.

4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 30.06.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29077 of 2023**



W.P.(MD)Nos.29016 to 29020, 29052, 29077, 29070 of 2023

K.Ulaganathan

... Petitioner

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vs

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.
- 3.The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Nagapattinam Region,  
Nagapattinam.
- 4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his



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retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 31.05.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**W.P(MD)No.29070 of 2023**

A.Sachidhanadham

... Petitioner

VS

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Transport Department, Secretariat,  
Chennai – 09.
- 2.The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Represented by its Managing Director,  
No.27, Railway Station New Road,  
Kumbakonam.
- 3.The General Manager,  
The Tamil Nadu State Transport  
Corporation (Kumbakonam) Limited,  
Kumbakonam Region,  
Kumbakonam.
- 4.The Administrator,  
The Tamil Nadu Transport Corporation  
Employees Pension Fund Trust,



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Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 02.

... Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Government letter issued by the 1<sup>st</sup> respondent in Ref No. 2048/E1/2022-2 Transport (E1) Department dated 17.02.2023, quash the same in so far as restricting the payment of revised pension prospectively and freezing rate of Dearness Allowance at present rates and in so far as not giving any direction to 2<sup>nd</sup> respondent to pay other terminal benefits to the petitioner including difference amounts in Gratuity and Leave salary, Commuted value of Pension based on the revised salary payable to him as on the date of his retirement as per pay revision given under 14<sup>th</sup> wage revision settlement signed under section 12(3) of the I.D Act dated 24.08.2022 and consequently directing the respondents to pay the petitioner, difference amounts in gratuity, Leave salary, Commuted value of pension and Revised Pension with arrears along with Dearness Allowance at the percentage of Dearness Allowance as fixed by the State Government to the in-service employees of the transport corporation based on such wages payable to him as on the date of his retirement that is as on 31.03.2022 in terms of the above settlement along with interest at the rate of 6% per annum.

**For Petitioner : Mr.A.Rahul (in all cases)**

**For Respondents : Mr.K.Jagadees Balan for R2 and R3  
Mr.S.C.Herold Singh  
Standing Counsel for R1 & R4  
(in all cases)**

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W.P.(MD)Nos.29016 to 29020, 29052, 29077, 29070 of 2023

### **COMMON ORDER**

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The instant writ petitions have been filed challenging the letter dated 17.02.2023 issued by the first respondent herein, wherein the revision of pension to the pensioners under the 14<sup>th</sup> wage revision settlement was directed to take effect prospectively from 17.02.2023 onwards and also freezing of the Dearness Allowance.

2.A batch of writ petitions had been filed, challenging the said Government letter by other employees of the Corporation in W.P(MD)No.8910, 8972, 9009, 10208 & 11540 of 2024. This Court by an order dated 25.06.2024 after hearing both the parties, was pleased to allow the writ petition and has directed the authorities to pay the difference in the benefits. Paragraph 9 and 10 of the order is extracted as follows:

*“9.As the pension has also been revised under the terms of the 14<sup>th</sup> wage revision settlement and Rule 15 of the Tamil Nadu State Transport Corporation Employees Pension Fund Rules, the last drawn basic salary shall be the salary to be taken for calculating pensions. As the last drawn salary has been revised in terms of the 14<sup>th</sup> wage revision settlement, the impugned letter cannot restrict the benefits. The respondents are directed to revise the monetary benefits and the difference in the revised pension which is*



*payable from the date on which the revised monetary benefits were given to the working employees under the 14<sup>th</sup> wage revision settlement.*

*10. Accordingly, these Writ Petitions are allowed to the extent indicated above by quashing the impugned letter, dated 17.02.2023 and the respondent Corporation is directed to pay the difference in the benefits in respect of Gratuity and Encashment of Leave salary, commuted value of pension and monthly pension with arrears from the date of retirement, as per wage settlement, dated 24.08.2022 along with dearness allowance. This amount shall be paid within a period of six (6) months from the date of receipt of a copy of this order. The respondent Corporation has to make out the differential payment with interest at the rate of 6% per annum to be computed from the date of the petitioners' retirement till the date of payment. No costs. Consequently, connected Miscellaneous Petitions are closed.*

3. In view of the order of the learned Single Judge of the High Court, the present writ petitions stand allowed and the letter dated 17.02.2023 is hereby quashed and the authorities are directed to disburse the benefits as prayed for within a period of twelve weeks from the date of receipt of a copy of this order.



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4. With the above said observations, these writ petitions stand allowed.

No costs. Consequently, connected miscellaneous petitions are closed.

**08.08.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
RJR



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To

- 1.The Director General of Police,  
Dr.Rathakrishnan Road,  
Mylapore,  
Chennai – 600 004.
- 2.The Additional Director General of Police,  
Economic Offence Wing,  
Chennai – 83.



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**R.VIJAYAKUMAR, J.**

RJR

**W.P.(MD)Nos.29016 to 29020, 29052,**  
**29077 and 29070 of 2023**

**08.08.2024**